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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 September 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3 and 8-20</u> is/are rejected.

7)☒ Claim(s) <u>4-7</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))..

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed 9/24/2007.

2.   Claims 1-20 remain pending and have been considered below.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-20 have been considered but are

moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4.   Claims 4-7 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Claim Rejections - 35 USC § 101

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-3, 8-12 and 14-20 are rejected under 35 U.S.C. 102(e) as being

anticipated by Bunger (United States Patent No.: US 6,944,859).

<u>As per claim 1:</u>

Bunger discloses:

-      a software application for use with the mobile data acquisition device, the

software application being located on a remote computer (see at least col. 5,

lines 53-54 "*the client-handheld conduit file 232, and a handheld file 224*";

also see *FIG. 2*);

-      the remote computer transferring the software application from the remote

computer to the mobile data acquisition device (see at least col. 5, lines 9-55

"*The installation server 102 contains …installation procedure 222. The*

installation procedure 222 are used to install the client-handheld conduit

file 232, and a handheld file 224 onto the handheld computer 116"; also see

FIG. 2);

-      the remote computer installing and activating the software application for use by

the mobile data acquisition device, the software application being determined by

a user and replacing a factory default software application (see at least col. 5,

lines 9-55 "*The installation server 102 contains …installation procedure 222.*

The installation procedure 222 are used to install the client-handheld

conduit file 232, and a handheld file 224 onto the handheld computer 116" –

the installed file must be activated in order to run on the handheld computer).

<u>As per claim 2:</u>

Bunger further discloses:

- wherein the remote computer enables a first set of application for the mobile data

    acquisition device, the first set of applications being defined by a first User Role

    (see at least col. 8, lines 53-56 "...*The identification of the user type provides*

    details such as the type of user and handheld files to which the user has

    access to, or may be interested in, for example, the user's profession or

    *area specialty" – install softwa*re depending on the user's profession or

    specialty).

<u>As per claim 3:</u>

Bunger further discloses:

- wherein the remote computer disables the first set of applications and enables a

    second of application for the mobile data acquisition device, the second set of

    applications being defined by a second User Role (*the first version application*

    must be disabled or removed in order to install or activate the newest

    version application).

<u>As per claim 8:</u>

Bunger further discloses:

- wherein the mobile data acquisition device disables a software application no

    longer needed by the mobile data acquisition device (*It is inherent that the*

handheld computer 116 is capable of disable any software stored in it. For

example, in order to synchronize, the Synchronization procedure must be

activated/enabled. After the synchronization, the Synchronization

procedure must be deactivated/disabled).

As per claim 9:

Bunger further discloses:

- wherein the remote computer maintains an application installation log for

    determining software application enabled at a given time (see at least col. 8, lines

    21-23 *"the client computer determines if any handheld computer file exist*

    on the client computer and with what type of handheld device the client

    computer is configured to operate" – *configuration file can also considered as*

    installation log).

As per claim 10:

Bunger further discloses:

- wherein the remote computer requests an application activation file from the

    mobile data acquisition device ((see at least col. 8, lines 21-23 *"the client*

    computer determines if any handheld computer file exist on the client

    computer and with what type of handheld device the client computer is

    configured to operate" - *the configuration file must be sent to client computer*

    prior the installation of latest software).

As per claim 11:

Bunger further discloses:

- a hand-held, mobile data acquisition device for use with the software application (see at least *FIG. 4*);

- a remote computer for transmitting the software application from said remote computer to said mobile data acquisition device (see at least col. 5, lines 9-55 *"The installation server 102 contains ...installation procedure 222. The installation procedure 222 are used to install the client-handheld conduit file 232, and a handheld file 224 onto the handheld computer 116"*; also see *FIG. 2*);

- said remote computer installing and activating the software application for use by said mobile data acquisition device (see at least col. 5, lines 9-55 *"The installation server 102 contains ...installation procedure 222. The installation procedure 222 are used to install the client-handheld conduit file 232, and a handheld file 224 onto the handheld computer 116"* – *the installed file must be activated in order to run on the handheld computer*), said mobile data acquisition device having the capability of disabling a software application of said data acquisition device (*It is inherent that the handheld computer 116 is capable of disable any software stored in it. For example, in order to synchronize, the Synchronization procedure must be*

activated/enabled. After the synchronization, the Synchronization

procedure must be deactivated/disabled).

<u>As per claim 12:</u>

Bunger further discloses:

- wherein said remote computer initiates transfer of the software application

  subsequent to said mobile data acquisition device sending an application

  activation file to said remote computer (***It is inherent. The configuration file of***

  handheld computer must be sent to the remote computer before

  downloading software application. In other words, download application is

  subsequent to configuration file sent to the remote computer).

<u>As per claim 14:</u>

Bunger further discloses:

- wherein said mobile data acquisition device acknowledges receipt of the software

  application from the remote computer (see at least col. 10, lines 50-54 "***The***

  handheld computer receives this message and terminates the connection

  to the client computer. The install process is then completed, both on the

  client computer and on the handheld computer" – *handheld computer*

  acknowledges the receipt of software by terminate the connection).

As per claim 15:

Bunger further discloses:

- a first instruction for initiating communication between a hand-held, mobile device
  and a remote computer (see at least col. 5, lines 34-40 "*The authentication*
  procedures 216, are used for authenticating users, such as through a
  username and password system. Successful completion of the
  authentication procedures gives users access to the handheld file 224 on
  the installation server 102");

- a second instruction for requesting the state of the mobile device by the remote
  computer (see at least col. 8, lines 21-23 "*the client computer determines if*
  any handheld computer file exist on the client computer and with what type
  of handheld device the client computer is configured to operate" – *the type*
  of the handheld device indicate the configuration (i.e. state) of the handheld
  device);

- a third instruction for responding to the remote computer by the mobile device
  with a factory default state message (see at least col. 8, lines 27-32 "*the events*
  and user interface are a Web-page displaying that the client and/or
  handheld computer has a particular configuration and can download and
  install the appropriate file. For example, a Web-page may be displayed that
  indicates that the user has a PALM device connected to it and can
  download the latest software");

- a fourth instruction for initiating transfer of a software application from the remote
computer to the mobile device (see at least col. 10, lines 39-41 "**the client
computer then requests the handheld file from the installation server**"); and

- a fifth instruction for acknowledging receipt of the software application from the
remote computer by the mobile device thereby enabling the software application
at the mobile device (see at least col. 10, lines 50-54 "**The handheld computer
receives this message and terminates the connection to the client
computer. The install process is then completed, both on the client
computer and on the handheld computer**" – handheld computer
acknowledges the receipt of software by terminate the connection).

As per claim 16:

Bunger further discloses:

- a sixth instruction for changing a status of the mobile device from a factory
default state to an operational state (see at least col. 8, line 32 "**download the
latest software**").

As per claim 17:

Bunger further discloses:

- a sixth instruction for rebooting the mobile device (**It is inherent in order for the
handheld computer to turn off and turn on**).

As per claim 18:

Bunger further discloses:

- a sixth instruction for running the software application on the mobile device (*It is inherent in Bunger's approach in order to fulfill the purpose of installing latest version software on the mobile device*).

As per claim 19:

Bunger further discloses:

- a sixth instruction for sending an application activation file from the mobile device to the remote computer (see at least col. 8, lines 21-22 *"the client computer preferably determines if any handheld computer files exist on the client computer and with what type of handheld device the client computer is configured to operate"* – the configuration file must be sent to client computer prior the installation of latest software).

As per claim 20:

Bunger further discloses:

- a sixth instruction for ceasing communication between the mobile device and the remote computer (see at least col. 10, line 50-51 *"the handheld computer receives a message and terminates the connection to the client computer"*).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunger

(United States Patent No.: US 6,944,859).

As per claim 13:

Bunger does not explicitly disclose:

-   wherein said remote computer removes invalid applications from an application

    activation file.

However, it would have been obvious to one having an ordinary skill in the art at the

time the invention was made to recognize that the installation server is capable of

remove any file.

Therefore, one would have been motivated to modify Bunger's approach to allow the

installation server to remove any application from the configuration file for installation

purposes.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phillip H. Nguyen whose telephone number is (571)

270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM -

3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
11/3/2007

MARY STEELMAN
PRIMARY EXAMINER